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Docket No.: 29137.051.00-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Se Hwan SON

Customer No.: 30827

Application No.: 10/722,812

Confirmation No.: 8128

Filed: November 26, 2003

Art Unit: 1774

For: ELECTROLUMINESCENT DEVICES WITH  
LOW WORK FUNCTION ANODE

Examiner: Marie Rose Yamnitzky

**RENEWED**  
**PETITION UNDER 37 C.F.R. § 1.55(c) FOR AN**  
**UNINTENTIONALLY DELAYED PRIORITY CLAIM**

**Mail Stop Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the dismissal of the previously filed petition under 37 CFR §1.55(c) filed on March 10, 2008. In that petition, Petitioners requested that they be allowed to claim foreign priority to Korean Patent Application No. 2000-82085, filed December 26, 2000, and Korean Patent Application No 1999-067746, filed December 31, 1999, even though the claim was not submitted within four months of filing the present application or within sixteen months of filing the priority document. That petition was dismissed because: 1) no application data sheet was filed; and 2) no intervening application was identified through which the present application can claim foreign priority. Petitioners respectfully submit the following Renewed Petition to address these issues and obtain the aforementioned foreign priority claims.

**CHAIN OF PRIORITY**

U.S. Application Serial No. 10/798,584 provides the link necessary in order for the present application to benefit from the foreign priority previously requested under 37 C.F.R. 1.55(c). More specifically, U.S. Application Serial No. 10/798,584 is currently pending, as such the present application may claim priority to U.S. Application Serial No. 10/798,584, where all of the requirements for claiming priority under 37 C.F.R. §1.78(a) are met as set forth in detail below. U.S. Application Serial No. 10/798,584 filed on March 10, 2004, is a divisional application of U.S. Application Serial No. 09/914,731, filed August 30, 2001, now U.S. Patent No. 6,720,573, which is a national stage application of International Patent Application PCT/KR00/01537 that claims priority to Korean Patent Application No. 2000-82085, filed December 26, 2000, and Korean Patent Application No 1999-067746, filed December 31, 1999. Accordingly, by claiming priority under 35 U.S.C. 120 to U.S. Application Serial No. 10/798,584, the present application will be entitled to benefit from the priority dates of December 26, 2000 and December 31, 1999.

**CLAIM OF PRIORITY TO CO-PENDING U.S. APPLICATION**

In addition to Petitioners' request under 37 C.F.R. 1.55(c), Petitioners hereby petition under 37 CFR §1.78(a)(3) to correct the claim of priority to include co-pending U.S. Application Serial No. 10/798,584 based on unintentional delay. Petitioners submit that through the claim of domestic priority to U.S. Application Serial No. 10/798,584 under 37 C.F.R. §1.78(a)(3), the present application is able to benefit from the priority dates of corresponding foreign applications KR 2000-82085 and KR 1999-067746 set forth in the previously filed petition.

**INTRODUCTION**

Under 37 C.F.R. § 1.78(a)(3), if a claim for priority under 35 U.S.C. 120 is presented after the time period provided by 37 C.F.R. § 1.78(a)(2)(ii), the claim may be accepted if the reference identifying the prior-filed application by application number was unintentionally delayed. A petition to accept a delayed claim for priority under 35 U.S.C. 120 must be accompanied by:

- (1) The reference required by 35 U.S.C. 120 and 37 C.F.R. § 1.78(a)(2) to the prior-filed application (*see* 37 C.F.R. §1.78(a)(3)(i));
- (2) The surcharge set forth in § 1.17(t) (*see* 37 C.F.R. §1.78(a)(3)(ii)); and
- (3) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional (*see* 37 C.F.R. §1.78(a)(3)(iii)).

### **PETITIONERS' STATEMENTS**

#### **A. 37 CFR 1.78(a)(3)(i)**

A petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 120 must be accompanied by the claim under 35 U.S.C. 120 and this section to the prior-filed non-provisional application, unless previously submitted. *See* 37 C.F.R. 1.78(a)(3)(i).

Petitioners hereby submit with this Petition the claim for priority under 35 U.S.C. 120 and 37 CFR 1.78(a)(2) to prior-filed co-pending application Serial No. 10/798,584. Please see enclosed claim for priority form, application data sheet, and supplemental amendment.

#### **B. 37 CFR 1.78(a)(3)(ii)**

A petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 120 must be accompanied by the surcharge set forth in § 1.17(t).

The surcharge set forth in 37 C.F.R. § 1.17(t) has already been submitted with the petition filed on March 10, 2008.

C. 37 CFR 1.78(a)(3)(iii)

A petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 120 must be accompanied by a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Statement required by 37 CFR 1. 78(a)(3)(iii)

Petitioners submit that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2) and the date the claim was filed was unintentional. Please see explanation of unintentional delay below.

Statement of Unintentional Delay

The present Application was filed on November 26, 2003. It claims foreign priority to Korean Patent Application No. 2002-78809, filed December 11, 2002. The present application was originally filed by the law firm of Knobbe, Martens, Olson & Bear, LLP. The present application was subsequently transferred to and is now being prosecuted by the law firm of McKenna Long & Aldridge LLP. However, U.S. Patent Application No. 10/798,584 and its aforementioned parent application were prosecuted and handled by a different law firm, Ladas & Parry LLP.

U.S. Patent Application No. 10/798,584 is a divisional of U.S. Patent Application No. 09/914,731, filed August 30, 2001, now U.S. Patent No. 6,720,573. U.S. Patent Application No. 09/914,731 is the national stage application of International Patent Application PCT/KR00/01537. These patent applications claim foreign priority to Korean Patent Application Nos. 2000-82085 and 1999-067746. Certified copies of Korean Patent Application Nos. 2000-82085 and 1999-067746 were submitted to the International Bureau in conjunction with International Patent Application PCT/KR00/01537.

On November 21, 2007, an interference was declared in U.S. Patent Application No. 10/798,584. In December 2007, U.S. Patent Application No. 10/798,584 was transferred from Ladas & Parry LLP to McKenna Long & Aldridge LLP so that the interference proceedings and other prosecution matters regarding U.S. Patent Application No. 10/798,584 could be handled by the same law firm.

During the interference proceedings, McKenna Long & Aldridge LLP realized that the priority documents associated with U.S. Patent Application No. 10/798,584, that is, Korean Patent Application Nos. 1999-067746 and 2000-82085, may also serve as priority documents for the present application. That is, McKenna Long & Aldridge LLP realized that the present application also can claim priority to and is, at least in part, supported by Korean Patent Application Nos. 1999-067746 and 2000-82085. This was not previously realized because the prosecution of U.S. Patent Application No. 10/798,584 was handled by a different law firm, Ladas & Parry LLP, prior to December 2007. This realization occurred only a few weeks prior to the filing of the initial petition on March 10, 2008. Accordingly, Petitioner hereby submits that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2) and 37 C.F.R. § 1.55(a)(1) of this section and the date the claim was filed was unintentional.

### **REQUEST FOR RELIEF**

Petitioners hereby submit that all the requirements of 37 CFR § 1.78(a)(3) and 37 C.F.R. § 1.55(c) are met as set forth in this Renewed Petition. Petitioners also submit that the supplemental amendment and the application data sheet submitted herein address the additional informalities raised in the dismissal of the previous petition. Accordingly, Petitioners hereby request that the U.S. Patent and Trademark Office grant the Petition to correct the claim for priority under 37 C.F.R. § 1.78(a)(3) to co-pending U.S. Application Serial No. 10/798,584 and its parent application, U.S. Application Serial No. 09/914,731, and to correct priority under 37 C.F.R. § 1.55(c) to include the filing date of Korean Applications 1999-067746 and Korean Application 2000-82085.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: May 7, 2008

Respectfully submitted,

By 

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